

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FREDDY PACHAY-RODRIGUEZ and RAMON
RODRIGUEZ, *individually and on behalf of others*
Similarly situated,

Plaintiffs,

- against -

ORDER ADOPTING
SETTLEMENT

18-CV-2858 (RRM) (JO)

ROOSEVELT HOTEL REALTY LLC, d/b/a Best
Western Plus LaGuardia Airport Hotel; RAJESH
PATEL; and PAUL PATEL,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

In May 2018, plaintiffs Freddy Pachay-Rodriguez and Ramon Rodriguez commenced this collective action pursuant to the Fair Labor Standards Act and New York Labor Law, seeking to recover unpaid wages from their former employer, defendant Roosevelt Hotel Realty, LLC (“Roosevelt”), and two of its owners, defendants Rajesh and Paul Patel. The case was referred to mediation and the parties reached a settlement. On January 4, 2019, the parties filed a letter addressed to Magistrate Judge Orenstein asking the Court to “approve the parties’ settlement agreement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).” (Letter to Hon. James Orenstein from C.K. Lee, Esq., dated Jan. 4, 2019 (Doc. No. 23) at 1.)

Judge Orenstein conducted two telephone conferences in which he examined all of the issues required pursuant to *Cheeks*. At the first conference, which took place on January 17, 2019, Judge Orenstein declined to recommend approval of the proposed settlement without first having the opportunity to review plaintiffs’ fee arrangement with their attorney. (1/17/2019

Civil Conference Minute Order (Doc. No. 24).) Several days later, plaintiffs' attorney filed a letter attaching his time records and retainer agreement. (Letter to Hon. James Orenstein from C.K. Lee, Esq., dated Jan. 23, 2019 (Doc. No. 25).) At the second conference, which took place on February 22, 2019, Judge Orenstein found the fee arrangement to be reasonable and agreed to recommend the proposed settlement to this Court. (2/22/2019 Civil Conference Minute Order (Doc. No. 26).) On the same day he entered a *sua sponte* report and recommendation on ECF, recommending that this Court grant the parties' January 4, 2019, request for settlement approval and giving the parties 14 days to object. (2/22/2019 ECF Order.) No party has objected, and the 14-day period has now ended.

Having reviewed both the settlement agreement and Judge Orenstein's analysis *de novo*, and finding no error, this Court agrees with Judge Orenstein that the settlement agreement meets the requisites of *Cheeks*. As such, the settlement is approved.

CONCLUSION

For the reasons set forth herein, the Court adopts the February 22, 2019, recommendation of Magistrate Judge Orenstein, and approves the settlement agreement filed on January 4, 2019 (Doc. No. 23-1). As the parties have settled this action, the Clerk of Court is hereby directed to close the file.

SO ORDERED.

Dated: Brooklyn, New York
3/15, 2019

s/ Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge